

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL A. BRUZZONE,  
Plaintiff,  
v.  
WILLIAM ALSUP,  
Defendant.

Case No. [3:17-cv-04558-JD](#)

**ORDER RE IN FORMA PAUPERIS  
REFERRAL**

Re: Dkt. Nos. 37, 39

In Michael Bruzzone's pending appeal, the Ninth Circuit made a limited referral back to this Court to determine whether a prior grant of in forma pauperis ("IFP") status should continue, or whether the appeal is frivolous and taken in bad faith. Dkt. No. 39.

As an initial matter, it appears the original magistrate judge handling this case granted IFP status and then revoked it when Bruzzone first appealed. Dkt. Nos. 11, 19. Whether his IFP status is treated as continuing after that, or if the referral is deemed to be a request for a fresh determination of the question, Bruzzone is not entitled to IFP status. He is a vexatious litigant and his lawsuit is barred by judicial immunity. Dkt. No. 32. The appeal is frivolous and taken in bad faith. 28 U.S.C. § 1915(e)(2); *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

The Clerk of the Court is requested to serve a copy of this order on plaintiff and the Ninth Circuit.

**IT IS SO ORDERED.**

Dated: October 15, 2018

  
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JAMES DONATO  
United States District Judge